

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

BRYAN BLAKE NICHOLS, #75078 §

VS. § CIVIL ACTION NO. 6:22cv220

NURSE WHITFIELD, et al. §

**ORDER ADOPTING REPORT AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE**

Plaintiff Bryan Blake Nichols, a former inmate confined within the Gregg County Jail, proceeding *pro se* and *in forma pauperis*, filed this civil rights lawsuit. The case was referred to United States Magistrate Judge John D. Love for findings of fact, conclusions of law, and recommendations for the disposition of the case.

On April 10, 2023, Judge Love issued a Report recommending that Plaintiff's lawsuit be dismissed, without prejudice, for Plaintiff's failure to exhaust his required administrative remedies. Docket No. 10. A copy of this Report was sent to Plaintiff at his last-known address. The United States Postal Service's tracking system reveals that the mail was "unclaimed/being returned to sender." Plaintiff has not filed objections.

The Court reviews the findings and conclusions of the Magistrate Judge de novo only if a party objects within fourteen days of the Report and Recommendation. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass’n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc), *superseded on other*

*grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten days to fourteen days).


Here, Plaintiff has not filed objections. The Court therefore reviews the Magistrate Judge's findings for clear error or abuse of discretion and reviews his legal conclusions to determine whether they are contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989), *cert. denied*, 492 U.S. 918 (1989) (holding that, if no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law.>").

Having reviewed the Magistrate Judge's Report and the record in this case, the Court finds no clear error or abuse of discretion and no conclusions contrary to law. Accordingly, the Court hereby **ADOPTS** the Report and Recommendation of the United States Magistrate Judge (Docket No. 10) as the findings of this Court. Therefore, it is

**ORDERED** that Plaintiff's civil rights action is **DISMISSED** without prejudice for the failure to exhaust administrative remedies. Finally, it is

**ORDERED** that any and all motions which may be pending in this civil action are hereby **DENIED**.

So **ORDERED** and **SIGNED** this **16th** day of **May, 2023**.

  
JEREMY D. KERNODLE  
UNITED STATES DISTRICT JUDGE